

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CITIZENS OF WISCONSIN,
UNITED STATES OF AMERICA, ex rel.,
ALAN DAVID MCCORMACK,
CITIZENS FOR EQUAL JUSTICE,

Plaintiffs,

v.

RICK RAEMISCH, Secretary;
WISCONSIN DEPARTMENT OF
CORRECTIONS; ALL NAMED AND UNNAMED
WARDENS, SUPERINTENDENTS, DIRECTORS,
ADMINISTRATORS, AGENTS AND DESIGNEES,
et al.;

Defendants.

ORDER

09-cv-574-slc

This action was commenced when the court received a document labeled “Criminal and Civil Complaint,” signed by plaintiff Alan David McCormack and Ellen Teed, chairperson of plaintiff organization Citizens for Equal Justice. On September 22, 2009, I instructed plaintiff McCormack to submit a copy of his prison trust fund account. In response, plaintiff McCormack states that he did not intend to commence a civil action against defendants. Instead, he filed the document to “alert[] all branches of government, of these on-going and intentional violations of criminal and civil statutes, by this very organized governmental criminal enterprise,” and he requests the court to “contact the U.S. Attorney General, U.S. Dept. Of Justice, and the Federal Bureau of Investigations, and make a formal request to investigate these activities.”

Plaintiff McCormack should be aware that it is not this court's function to ask the Department of Justice to investigate potential criminal wrongdoing. If plaintiff wants the DOJ to conduct an investigation, he should make that request himself directly. As for this action, it is clear that (at least from plaintiff McCormack's perspective) that he never intended to bring this civil action, so I will construe his submission as a notice of voluntary dismissal. I will accept that notice and dismiss him from the case. He will not owe a filing fee.

That leaves Citizens for Equal Justice as the only plaintiff that might still support this case. Given the confusion over whether plaintiffs intended to bring this civil action when they filed their "Criminal and Civil Complaint," in order for this case to go forward, Citizens for Equal Justice will need to inform the court that it wishes to pursue the case. I will give it until November 3, 2009 to do so. Should it choose not to pursue this action or should it fail to respond by the November 3, 2009 deadline, I will direct the clerk of court to close the case. In that event, Citizens for Equal Justice will not owe the filing fee.

In addition, there are other preliminary problems that must be addressed should Citizens for Equal Justice wish to pursue the case. First, the complaint is signed by Ellen Teed, chairperson of Citizens for Equal Justice. However, "[a] non-lawyer cannot represent or appear on behalf of a corporation in federal court. *Muzikowski v. Paramount Pictures Corp.*, 322 F.3d 918, 924 (7th Cir. 2003). *Navin v. Park Ridge Sch. Dist.* 64, 270 F.3d 1147, 1149 (7th Cir. 2001) (a non-lawyer cannot prosecute a suit on behalf of another). Thus, Citizens for Equal Justice must respond by November 3, 2009, indicating what attorney will be representing it (this can be Ms. Teed if she is in fact a lawyer).

Second, Citizens for Equal Justice has not paid the \$350 filing fee for this case. Organizations are not allowed to proceed *in forma pauperis*, *Rowland v. California Men's Colony*, 506 U.S. 194, 201-06 (1993), so if it wishes to proceed with the case, it must pay the full \$350 filing fee. Citizens for Equal Justice will have until November 3, 2009 to do so.

ORDER

IT IS ORDERED that:

- (1) Plaintiff Alan David McCormack's notice of voluntary dismissal, dkt. #3 is ACCEPTED and he is DISMISSED from this case. He does not owe a filing fee.
- (2) Plaintiff Citizens for Equal Justice has until November 3, 2009 to inform the court whether it wishes to pursue this lawsuit. If it does not wish to pursue the lawsuit or if it does not respond by the November 3, 2009 deadline, I will direct the clerk of court to close the case, and Citizens for Equal Justice will not owe a filing fee.
- (3) Should Plaintiff Citizens for Equal Justice wish to pursue this case, it has until November 3, 2009 to pay the \$350 filing fee for this action and inform the court what attorney will be representing it.

Entered this 20th day of October, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge